

EDWARD R. REINES (SBN 135960)
edward.reines@weil.com
SONAL N. MEHTA (SBN 222086)
sonal.mehta@weil.com
NATHAN GREENBLATT (SBN 262279)
nathan.greenblatt@weil.com
WEIL, GOTSHAL & MANGES LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065
Telephone: 650-802-3000
Facsimile: 650-802-3100

Attorneys for Defendants
ADOBE SYSTEMS INCORPORATED
and ELECTRONIC ARTS INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DIGITAL REG OF TEXAS, LLC,

Plaintiff,

vs.

ADOBE SYSTEMS INCORPORATED, et al.,

Defendants.

Civil Case No. 12-CV-01971 CW (KAW)

**DECLARATION OF JOSEPH JONES
IN SUPPORT OF DEFENDANTS'
MOTION FOR PARTIAL SUMMARY
JUDGMENT OF
NONINFRINGEMENT BASED ON
DIGITAL REG'S LICENSE TO
MICROSOFT**

1 I, Joseph Jones, declare:

2 1. I am an employee of Defendant Adobe Systems Incorporated (“Adobe”)
3 in the above-captioned matter. I submit this declaration based on personal knowledge and
4 following a reasonable investigation. If called upon as a witness, I could competently testify to
5 the truth of each statement herein.

6 2. I have worked for Adobe for three years, and my current job title is
7 Senior Product Manager. During my time at Adobe, I have worked extensively on projects
8 related to Adobe’s Flash Player and Flash Access.

9 3. Adobe’s Flash Player allows for the delivery of expressive digital
10 content, such as movies, to end users. Flash Access allows for the protection and delivery of
11 video across platforms enabled by Adobe runtimes including Adobe Flash Player. Thus, an
12 online video rental company could use Flash Access to prevent the copying of movies it
13 supplies digitally.

14 4. Flash Access can only be used in conjunction with certain versions of
15 Microsoft Windows, Macintosh, Linux, Android, or iOS operating systems, or on devices
16 who’s vendors have created their own Adobe-authorized implementations using our Porting
17 Kit.

18 5. When used in conjunction with Microsoft Windows, the Windows
19 operating system is involved in all aspects of regulating access to the protected digital content.
20 For example, before access is granted to protected content, the client seeking access to the
21 video must first acquire a license to the content. During license acquisition, the client provides
22 its machine certificate to a License Server before being granted access. To do so, Flash Access
23 uses Windows APIs to acquire information about the hardware, uses Windows APIs to perform
24 communication over the network to servers, and uses Windows APIs to perform storage of files
25 on disk. Without the Windows APIs, Flash Access would not be able to secure the machine
26 certificate and would not be able to acquire a license to view the requested content on
27 computers running the Windows operating system.

28 6. Without providing its machine certificate, a client cannot proceed with

1 license acquisition, and without license acquisition, a client will not be granted access to the
2 desired digital content.

3 I declare under the penalty of perjury under the laws of the United States of
4 America that the foregoing is true and correct.

5 Executed on June 17, 2013, at San Jose, California.

6 Joseph
7 Jones

 Digitally signed by Joseph Jones
DN: ou=www.verisign.com/repository/CPS
Incorp. by Ref.,LIAB.LTD(c)99, ou=Adobe CPS,
http://www.adobe.com/misc/CPS.html,
cn=Joseph Jones, email=jj@adobe.com
Date: 2013.06.17 12:19:44 -0700

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Joseph Jones